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Atty Doc. No. HMB/7982.001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT APPLICATION EXAMINING OPERATIONS

In re the Application of Sharon F. Kleyne : Group Art Unit: 1617  
Serial No. 09/614,790 : Examiner: Michael Willis  
Filed: July 12, 2000 : Tel. No. (703) 305-1679  
For a Patent for : Date: December 31, 2002  
METHOD AND KIT FOR MOISTURIZING  
THE SURFACE OF THE EYE

REQUEST FOR ORAL HEARING  
UNDER 37 C.F.R. §1.194(b)

Assistant Commissioner for Patents  
Washington, DC 20231

Dear Sir,

Applicant hereby requests an oral hearing of the Appeal in this application. The Examiner's answer was mailed on November 12, 2002 and the term for filing this request is two months from that mailing date. In one important aspect of the oral hearing, Applicant intends to demonstrate to the Board of Patent Appeals and Interferences a commercial embodiment of the invention which utilizes a mist to moisturize the surface of the eye and to show the board how this differs markedly from a stream or jet of droplets as taught in the prior art. The Examiner has held that there is no distinction between a mist, as called for in the claims of Applicant, and

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a jet or stream of drops as taught in the prior art. Pursuant to 37 C.F.R. §1.17(d), a check for \$140.00, the small entity fee for requesting an oral hearing is enclosed herewith.

Respectfully submitted,

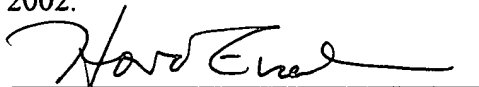


Howard Eisenberg  
Reg. No. 36,789  
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Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on December 31, 2002.

Dated: 12/31/2002

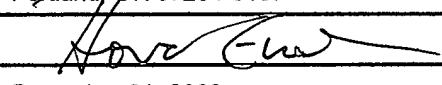
  
Howard M. Eisenberg

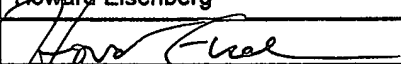
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		<b>Application Number</b>	09/614,790
		<b>Filing Date</b>	July 12, 2000
		<b>First Named Inventor</b>	Kleyne, Sharon
		<b>Group Art Unit</b>	1617
		<b>Examiner Name</b>	Michael Willis
<b>Total Number of Pages in this Submission</b>	5	<b>Attorney Docket Number</b>	HME/7982.001

<input checked="" type="checkbox"/> Fee Transmittal Form (dup.) <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit(s)/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Part(s)/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an application) <input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition To Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input checked="" type="checkbox"/> Appeal Communication to Board of Appeals and Interferences (Request for oral hearing) <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Additional Enclosure(s) (please identify below)
Remarks:		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	Howard M. Eisenberg 1600 ODS Tower, 601 SW Second Ave Portland, OR 97204-3157
Signature	
Date	December 31, 2002

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date.			
Type or print name	Howard Eisenberg		
Signature		Date	December 31, 2002

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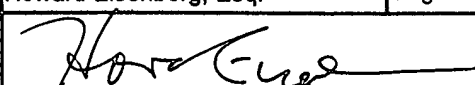
# FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

<input checked="" type="checkbox"/> Applicant claims small entity status. See 37CFR 1.27		Complete If Known		
		Application Number	09/614,790	
		Filing Date	July 12, 2000	
		First Named Inventor	Sharon F. Kleyne	
		Examiner Name	Michael Willis	
		Art Unit	1617	
TOTAL AMOUNT OF PAYMENT		\$140	Attorney Docket No.	HME/7982.001

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																																																																																					
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<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 50-1773 Deposit Account Name: Howard Eisenberg		<table border="1"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge-late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,520</td> <td>For filing a request for ex-parte reexamination</td> <td></td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>1805</td> <td>1840*</td> <td>1805</td> <td>1840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>1252</td> <td>400</td> <td>2252</td> <td>200</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253</td> <td>920</td> <td>2253</td> <td>460</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1254</td> <td>1,440</td> <td>2254</td> <td>720</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255</td> <td>1,960</td> <td>2255</td> <td>980</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1401</td> <td>320</td> <td>2401</td> <td>160</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>1402</td> <td>320</td> <td>2402</td> <td>160</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1403</td> <td>280</td> <td>2403</td> <td>140</td> <td>Request for oral hearing</td> <td>140</td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>1451</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>1452</td> <td>110</td> <td>2452</td> <td>55</td> <td>Petition to revive - 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\*or number of previously paid, if greater. For reissues, see below.

SUBMITTED BY		Complete (if applicable)	
Name (print type)	Howard Eisenberg, Esq.	Registration No.	36,789
Signature		Telephone	(503) 227-5631
		Date	December 31, 2002

\* Reduced by Basic Filing Fee Paid      SUBTOTAL (3)      \$140